

ORIGINAL

OPEN MEETING



0000008892

MEMORANDUM
Arizona Corporation Commission
DOCKETED

RECEIVED

TO: THE COMMISSION

2004 OCT -7 A 10: 32

FROM: Utilities Division

OCT - 7 2004

DATE: October 7, 2004



AZ CORP COMMISSION
DOCUMENT CONTROL

RE: IN THE MATTER OF THE APPLICATION OF BELLA VISTA WATER COMPANY, INC. - FILING TO REVISE CURTAILMENT TARIFF NO. 10 (DOCKET NO. W-02465A-04-0692)

On September 24, 2004, Bella Vista Water Company, Inc. (herein also "Company") filed a revised curtailment tariff. On September 27, 2004, Mr. William P. Sullivan, Esq., the attorney of record for Bella Vista in this matter, filed a letter, waiving the Commission's requirement to act within 30 days, with the expectancy that this matter would be considered at the next regularly scheduled Open Meeting.

Bella Vista already has in effect a curtailment tariff which allows the Company to manage the water use by customers when Bella Vista is experiencing a temporary water shortage emergency. The existing curtailment tariff is implemented in stages according to the severity of the emergency.

The Company is proposing to add a provision for a "presumptive violation" during the extreme stage 4 and 5 conditions, when outdoor watering is prohibited. The proposal allocates 600 gallons per day (18,000 gallons per month) for each customer. Any use beyond that is presumed to be for other than drinking or sanitary purposes.

Staff recommends that the filing be suspended for 120 days from the date of initial filing for the following reasons:

1. Staff has requested additional information from the Company concerning the past operation and future resources management of the Bella Vista, South System. Additional time is necessary for the receipt and analysis of that information.
2. Staff will be making additional data requests concerning public notice and public participation.
3. Bella Vista already has a curtailment tariff in place, which allows the Company to manage its resources during unforeseen outages and emergencies.
4. Winter months are approaching and any impacts from a delay would be minimized due to decreases in water demand.

THE COMMISSION

October 7, 2004

Page 2

5. Staff will request Bella Vista to hold a public meeting in Sierra Vista prior to Commission action on this matter.

A handwritten signature in black ink, appearing to read 'EGJ', with a long, sweeping horizontal line extending to the right.

Ernest G. Johnson
Director
Utilities Division

EGJ:LRH:rdp/DR

ORIGINATOR: Lyndon R. Hammon

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE ARIZONA CORPORATION COMMISSION

MARC SPITZER
Chairman
WILLIAM A. MUNDELL
Commissioner
JEFF HATCH-MILLER
Commissioner
MIKE GLEASON
Commissioner
KRISTIN K. MAYES
Commissioner

IN THE MATTER OF THE APPLICATION) DOCKET NO. W-02465-04-0692
OF BELLA VISTA WATER COMPANY,)
INC. - FILING TO REVISE CURTAILMENT) DECISION NO. _____
TARIFF NO. 10)
ORDER

Open Meeting
October 26 and 27, 2004
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. Bella Vista Water Company, Inc. (herein also "Company") is certificated to provide water as a public service corporation in the State of Arizona.
 2. On September 24, 2004, Bella Vista Water Company submitted revisions to its existing Curtailment Tariff No. 10.
 3. On September 27, 2004, Mr. William P. Sullivan, Esq., the attorney of record for Bella Vista in this matter, filed a letter, waiving the Commission's requirement to act within 30 days, with the expectancy that this matter would be considered at the next regularly scheduled Open Meeting.
 4. Bella Vista already has in effect a curtailment tariff which allows the Company to manage the water use by customers when Bella Vista is experiencing a temporary water shortage emergency. The existing curtailment tariff is implemented in stages according to the severity of the emergency.
- ...

4. Staff recommends that the Commission suspend the proposed amendments to the Bella Vista Curtailment Tariff No. 10 for a maximum period of 120 days, from the date of the initial filing, or in other words, through January 23, 2005. Staff believes that this time suspension is reasonable and appropriate because:

- a. Staff has requested additional information from the Company concerning the past operation and future resources management of the Bella Vista, South System. Additional time is necessary for the receipt and analysis of that information.
- b. Staff will be making additional data requests concerning public notice and public participation.
- c. Bella Vista already has a curtailment tariff in place, which allows the Company to manage its resources during unforeseen outages and emergencies.
- d. Winter months are approaching and any impacts from a delay would be minimized due to decreases in water demand.
- e. Staff will request Bella Vista to hold a public meeting in Sierra Vista prior to Commission action on this matter.

1. Bella Vista Water Company, Inc. is an Arizona public service corporation within the meaning of Article XV, Section 2, of the Arizona Constitution pursuant to A.R.S. § 40-250(B).

2. The Commission has jurisdiction over the Company and of the subject matter in this Application.

3. The Commission, having reviewed the proposed amendments to the Bella Vista Curtailment Tariff No. 10, and Staff's Memorandum dated October 7, 2004, concludes that it is in the public interest to suspend this proposed curtailment tariff filing for a period of 120 days.

• •

• • •

...

ORDER

IT IS THEREFORE ORDERED that this filing be and is hereby suspended for a period of 120 days, through and including January 23, 2005.

IT IS FURTHER ORDERED that this Order shall become effective immediately.

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2004.

BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

DISSENT: _____

EGJ:LRH:rdp/DR

Decision No. _____

1 SERVICE LIST FOR: BELLA VISTA WATER COMPANY, INC>

2 DOCKET NO. W-02465-04-0692

3
4 Mr. William P. Sullivan, Esq.
5 Martinez & Curtis
6 2712 North Seventh Street
7 Phoenix, Arizona 85006-1090

8
9 Ms. Judy Gignac
10 Bella Vista Water Company, Inc.
11 4055 Campus Drive
12 Sierra Vista, Arizona 85636

13
14 Mr. Ernest G. Johnson
15 Director, Utilities Division
16 Arizona Corporation Commission
17 1200 West Washington
18 Phoenix, Arizona 85007

19
20 Mr. Christopher C. Kempley
21 Chief Counsel, Legal Division
22 Arizona Corporation Commission
23 1200 West Washington
24 Phoenix, Arizona 85007

25

26

27

28

29

30

31

32

33

34

35

36

37

38